



# STATE OF WISCONSIN Assembly Journal

## Ninety-Fifth Regular Session

9:30 A.M.

THURSDAY, January 31, 2002

The Assembly met in the Assembly Chamber located in the State Capitol.

Speaker Pro Tempore Freese in the chair.

Representative Foti asked unanimous consent for a quorum call. Granted.

A quorum was present.

The prayer was offered by Reverend Bruce Loewenhagen of the Midvale Community Lutheran Church in Madison.

Representative Berceau led the membership in reciting the pledge of allegiance to the flag of the United States of America.

The roll was taken.

The result follows:

Present – Representatives Ainsworth, Albers, Balow, Berceau, Bies, Black, Bock, Boyle, Carpenter, Coggs, Colon, Cullen, Duff, J. Fitzgerald, Foti, Freese, Friske, Gard, Gronemus, Grothman, Gunderson, Gundrum, Hahn, Hebl, Hines, Hoven, Huber, Hubler, Huebsch, Hundertmark, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kestell, Krawczyk, Kreibich, Kreuser, Krug, Krusick, La Fave, Ladwig, F. Lasee, Lassa, J. Lehman, M. Lehman, Leibham, Lippert, Loeffelholz, McCormick, D. Meyer, Meyerhofer, Miller, Morris–Tatum, Musser, Nass, Olsen, Ott, Owens, Petrowski, Pettis, Plale, Plouff, Pocan, Powers, Reynolds, Rhoades, Richards, Riley, Ryba, Schneider, Schooff, Seratti, Sherman, Shilling, Sinicki, Skindrud, Starzyk, Staskunas, Steinbrink, Stone, Suder, Sykora, Townsend, Travis, Turner, Underheim, Urban, Vrakas, Walker, Ward, Wasserman, Wieckert, Wood, Young, Ziegelbauer and Speaker Jensen – 97.

Absent with leave – Representatives Montgomery and Williams – 2.

Vacancies – None.

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### LEAVES OF ABSENCE

Representative Vrakas asked unanimous consent for a leave of absence for today's session for Representative Montgomery. Granted.

Representative Bock asked unanimous consent for a leave of absence for today's session for Representative Williams. Granted.

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### AMENDMENTS OFFERED

Assembly amendment 1 to **Assembly Bill 480** offered by Representative Wieckert.

Assembly amendment 1 to **Assembly Bill 520** offered by committee on **Judiciary**.

Assembly substitute amendment 1 to **Assembly Bill 582** offered by Representatives Albers, Musser, Jeskewitz, Freese, Walker, Gunderson, Ainsworth, Urban, Gundrum and Krawczyk.

Assembly substitute amendment 1 to **Assembly Bill 607** offered by Representative Walker.

Assembly amendment 2 to **Assembly Bill 627** offered by Representatives Friske and Underheim.

Assembly amendment 1 to **Assembly Bill 734** offered by Representative Wieckert.

Assembly amendment 1 to **Assembly Bill 750** offered by Representative Schneider.

Assembly amendment 1 to **Assembly Bill 752** offered by Representative Schooff.

Assembly amendment 2 to **Senate Bill 250** offered by Representative Wasserman.

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### INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

#### **Assembly Joint Resolution 88**

Relating to: proclaiming May 17, 18, and 19, 2002, Syttende Mai Weekend.

By Representatives Johnsrud, Hebl, Rhoades, Plouff, Gronemus, Bock, Jeskewitz, Krug, Urban, Ward, Ryba, Gunderson, Owens, Berceau, Jensen, Pocan, Musser, Olsen, Coggs, Plale, Hahn, Petrowski, Grothman, Krawczyk, Townsend, Ladwig, Vrakas, J. Lehman, Miller, Hines,

Kestell, Sykora and Lassa; cosponsored by Senators M. Meyer, Chvala, Rosenzweig, Erpenbach, Burke, Schultz, Moen, Darling, Hansen, Grobschmidt, Huelsman and Lazich.  
To committee on **Rules**.

### **Assembly Joint Resolution 89**

Relating to: declaring February African–American History and Cultural Heritage Month.

By Representatives Morris–Tatum, Young, Coggs, Turner, Williams, Riley, Boyle, Balow, Berceau, Gronemus, Sherman, Miller, Pocan, Bock, Sykora, J. Lehman, Freese, Shilling and Wasserman; cosponsored by Senators George, Moore, Burke, Darling and Plache.

To committee on **Rules**.

### **Assembly Bill 760**

Relating to: designating and marking STH 122 as the Harriet Tubman Memorial Highway.

By Representatives Bies, Powers, Young, Starzyk, Montgomery, Krawczyk, Kedzie, J. Lehman, Owens, Townsend, Ott, J. Fitzgerald, McCormick, Morris–Tatum, Sykora, Petrowski, Miller, Hines, Olsen and Gunderson; cosponsored by Senator Wirch.

To committee on **Transportation**.

### **Assembly Bill 761**

Relating to: instruction in public schools on the requirement to register with the selective service system.

By Representatives Leibham, Wasserman, Ryba, Krawczyk, Owens, Hines and Seratti.

To committee on **Education**.

### **Assembly Bill 762**

Relating to: sales of consumer goods and services during periods of abnormal economic disruption, requiring the exercise of rule–making authority, and providing a penalty.

By Representatives Kedzie, Krusick, Urban, Owens, Sinicki, Gronemus, Lassa, Seratti, Sykora, Freese, Ryba, Staskunas and Huebsch; cosponsored by Senators Darling, Wirch and Kanavas.

To committee on **Small Business and Consumer Affairs**.

### **Assembly Bill 763**

Relating to: harboring a child runaway without the consent of the child’s parent or guardian and providing a penalty.

By Representatives Kaufert, Albers, Hahn, Hines, Owens, Townsend and Turner; cosponsored by Senators Darling, Welch and Burke.

To committee on **Criminal Justice**.

### **Assembly Bill 764**

Relating to: creating a fund to reduce state revenue shortfalls and requiring the department of revenue to prepare envelopes for contributions to the fund.

By Representatives Walker, Nass, Lippert, Montgomery, Pettis, Hahn, Ladwig, Olsen, Musser, Duff, F. Lasee,

Townsend, Grothman, Albers and D. Meyer; cosponsored by Senators Rosenzweig, Darling and Huelsman.

To committee on **Government Operations**.

### **Assembly Bill 765**

Relating to: composition of the elections board.

By Representatives Travis, Black and Pocan; cosponsored by Senator Erpenbach.

To committee on **Campaigns and Elections**.

### **Assembly Bill 766**

Relating to: immunity for the use of solid waste for public projects.

By Representatives Kedzie, Musser, Steinbrink, Ainsworth, Hahn, Gunderson, Ott, Albers and Jeskewitz; cosponsored by Senators Schultz and Cowles, by request of Department of Natural Resources.

To committee on **Environment**.

### **Assembly Bill 767**

Relating to: the income and franchise tax credit for sales tax and use tax paid on fuel and electricity consumed in manufacturing.

By Representatives Wieckert and Townsend; cosponsored by Senators Breske and Welch.

To committee on **Economic Development**.

### **Assembly Bill 768**

Relating to: references to the Internal Revenue Code for income and franchise tax purposes.

By Representatives Krawczyk, Lippert, M. Lehman, Gard, Jensen, Grothman, Ott, Seratti, D. Meyer, Owens, J. Fitzgerald, Nass, Rhoades, Musser, Vrakas, Johnsrud, Hundertmark, Loeffelholz, Ward, Montgomery, Bies, Hahn, Ladwig, Wieckert, Leibham, Jeskewitz, Skindrud, Powers, Urban, Starzyk, Kaufert, Hines, Huebsch, Townsend, Pettis, Kestell, Walker, Underheim, Friske and Petrowski; cosponsored by Senators Burke, Baumgart, Erpenbach, Grobschmidt, M. Meyer, Risser and Wirch.

To joint committee on **Finance**.

### **Assembly Bill 769**

Relating to: sales tax on motor vehicles purchased after a consumer receives a refund under a new motor vehicle warranty.

By Representatives Ladwig, Schneider, Stone, Albers, Bies, Freese, Gronemus, Gunderson, Hundertmark, Johnsrud, Krawczyk, Musser, Nass, Ott, Owens, Petrowski, Pettis, Powers, Skindrud, Sykora and Turner; cosponsored by Senator Plache.

To committee on **Rules**.

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## **COMMITTEE REPORTS**

The committee on **Agriculture** reports and recommends:

### **Assembly Bill 678**

Relating to: exclusive contracts for the sale of soft drinks in schools.

Assembly amendment 1 adoption:

Ayes: 14 – Representatives Ott, Hahn, Ainsworth, Petrowski, Suder, Loeffelholz, Bies, Hines, Gronemus, Plouff, Reynolds, Lassa, Schneider and Hubler.

Noes: 0.

Passage as amended:

Ayes: 14 – Representatives Ott, Hahn, Ainsworth, Petrowski, Suder, Loeffelholz, Bies, Hines, Gronemus, Plouff, Reynolds, Lassa, Schneider and Hubler.

Noes: 0.

To committee on **Rules**.

*ALVIN OTT*  
Chairperson  
Committee on Agriculture

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The committee on **Health** reports and recommends:

### **Assembly Bill 743**

Relating to: the statewide trauma system and making appropriations.

Passage:

Ayes: 14 – Representatives Underheim, Urban, Johnsrud, F. Lasee, Lippert, Walker, Wieckert, Wasserman, Carpenter, La Fave, Miller, Schooff, Colon and Shilling.

Noes: 0.

To committee on **Rules**.

### **Senate Bill 250**

Relating to: insurance coverage of prescription medications used to treat diabetes.

Assembly amendment 1 adoption:

Ayes: 16 – Representatives Underheim, Urban, Johnsrud, Krawczyk, F. Lasee, Lippert, Olsen, Seratti, Walker, Wieckert, Wasserman, Carpenter, La Fave, Miller, Colon and Shilling.

Noes: 0.

Concurrence as amended:

Ayes: 16 – Representatives Underheim, Urban, Johnsrud, Krawczyk, F. Lasee, Lippert, Olsen, Seratti, Walker, Wieckert, Wasserman, Carpenter, La Fave, Miller, Colon and Shilling.

Noes: 0.

To committee on **Rules**.

*GREGG UNDERHEIM*  
Chairperson  
Committee on Health

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The committee on **Natural Resources** reports and recommends:

### **Assembly Bill 602**

Relating to: the regulation of piers and boat shelters and requiring the exercise of rule-making authority.

Assembly amendment 1 adoption:

Ayes: 9 – Representatives Johnsrud, Gunderson, Krawczyk, D. Meyer, Ott, Pettis, Powers, Miller and Reynolds.

Noes: 2 – Representatives Kedzie and J. Lehman.

Passage as amended:

Ayes: 7 – Representatives Johnsrud, Gunderson, Krawczyk, D. Meyer, Pettis, Powers and Reynolds.

Noes: 4 – Representatives Kedzie, Ott, J. Lehman and Miller.

To committee on **Rules**.

*DUWAYNE JOHNSRUD*  
Chairperson  
Committee on Natural Resources

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The committee on **Public Health** reports and recommends:

### **Assembly Bill 733**

Relating to: expanding eligibility for drug treatment reimbursement grants for persons with HIV infections.

Passage:

Ayes: 10 – Representatives Urban, Lippert, Freese, Johnsrud, McCormick, Hines, Carpenter, Wasserman, Schneider and J. Lehman.

Noes: 0.

To committee on **Rules**.

*FRANK URBAN*  
Chairperson  
Committee on Public Health

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The committee on **Rural Affairs and Forestry** reports and recommends:

### **Assembly Bill 644**

Relating to: funding for the reconstruction of the Atlas Mill in the city of Appleton and making an appropriation.

Assembly substitute amendment 1 adoption:

Ayes: 5 – Representatives Ainsworth, Friske, Freese, Loeffelholz and Sykora.

Noes: 3 – Representatives Gronemus, Hubler and Schneider.

Passage as amended:

Ayes: 5 – Representatives Ainsworth, Friske, Freese, Loeffelholz and Sykora.

Noes: 3 – Representatives Gronemus, Hubler and Schneider.

To joint committee on **Finance**.

### **Assembly Bill 695**

Relating to: educational requirements for foresters employed by the department of natural resources and persons authorized to designate trees for cutting in state forests.

Assembly amendment 1 adoption:

Ayes: 8 – Representatives Ainsworth, Friske, Freese, Loeffelholz, Sykora, Gronemus, Hubler and Schneider.

Noes: 0.

Passage as amended:

Ayes: 8 – Representatives Ainsworth, Friske, Freese, Loeffelholz, Sykora, Gronemus, Hubler and Schneider.

Noes: 0.

To committee on **Rules**.

#### **Assembly Bill 744**

Relating to: signature and authorization requirements for orders under the forest croplands program and modifications to certain deadline dates under the managed forest land program.

Passage:

Ayes: 8 – Representatives Ainsworth, Friske, Freese, Loeffelholz, Sykora, Gronemus, Hubler and Schneider.

Noes: 0.

To committee on **Rules**.

*JOHN AINSWORTH*

Chairperson

Committee on Rural Affairs and Forestry

The committee on **Tax and Spending Limitations** reports and recommends:

#### **Assembly Joint Resolution 64**

Relating to: the vote on bills that would increase certain tax rates or make certain taxing and spending decisions; and elector approval for certain taxing and spending decisions by the state and local governmental units, emergency taxes, required reserves, state mandates, continuation of state payments to other governmental units, refunds of amounts in excess of the approved amounts and reduction of tax rates to reflect the excess of revenues over expenditures (first consideration).

Assembly amendment 1 adoption:

Ayes: 5 – Representatives F. Lasee, Leibham, Hundertmark, Musser and Seratti.

Noes: 2 – Representatives Richards and Turner.

Adoption as amended:

Ayes: 5 – Representatives F. Lasee, Leibham, Hundertmark, Musser and Seratti.

Noes: 2 – Representatives Richards and Turner.

To committee on **Rules**.

*FRANK LASEE*

Chairperson

Committee on Tax and Spending Limitations

### **MESSAGE FROM THE SENATE**

By Donald J. Schneider, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Adopted and asks concurrence in:

**Senate Joint Resolution 54**

**Senate Joint Resolution 56**

Passed and asks concurrence in:

**Senate Bill 170**

**Senate Bill 175**

**Senate Bill 176**

**Senate Bill 179**

**Senate Bill 227**

**Senate Bill 229**

**Senate Bill 288**

**Senate Bill 339**

**Senate Bill 340**

**Senate Bill 356**

**Senate Bill 364**

Concurred in:

**Assembly Joint Resolution 79**

**Assembly Joint Resolution 82**

**Assembly Joint Resolution 83**

**Assembly Joint Resolution 86**

**Assembly Bill 31**

**Assembly Bill 206**

### **ACTION ON THE SENATE MESSAGE**

#### **Senate Joint Resolution 54**

Relating to: congratulating Bob Uecker on his induction into the Radio Hall of Fame.

By Senators Kanavas, Darling, Rosenzweig, Risser, Lazich, Burke, Welch, George, Zien, Grobschmidt, Decker, Hansen, Schultz, Roessler, Wirch and Jauch; cosponsored by Representatives Vrakas, Bock, Jensen, M. Lehman, Huebsch, J. Fitzgerald, McCormick, Ryba, Owens, Turner, Rhoades, Plouff, Starzyk, Lassa, Ward, Gunderson, Walker, Nass, Olsen, Ladwig, Musser, Townsend, Stone, Kaufert, Ott, Urban, Albers, Plale, Petrowski, Hines, Coggs, Boyle, Carpenter and Miller.

To committee on **Rules**.

#### **Senate Joint Resolution 56**

Relating to: the life and public service of Roy Kubista.

By Senators Risser, Erpenbach, Plache, Grobschmidt and Roessler; cosponsored by Representatives Boyle, Sinicki, Miller, Black, Krug, Berceau, Hahn, Musser, Travis, Turner, Owens, Pocan, Plale, J. Lehman, Lassa, Meyerhofer, Sykora and Townsend.

To committee on **Rules**.

#### **Senate Bill 170**

Relating to: notification of the state regarding a medical malpractice claim.

By Senators Risser, Erpenbach, Burke and George; cosponsored by Representatives Johnsrud, Turner, Pocan, Gronemus, Sykora and Berceau.

To committee on **Judiciary**.

**Senate Bill 175**

Relating to: appointment of students to the board of regents of the University of Wisconsin System.

By Senators Grobschmidt, M. Meyer, Hansen, Schultz, Roessler, Burke, Harsdorf and Darling; cosponsored by Representatives Kreibich, Lassa, Shilling, Rhoades, La Fave, Plale, Pocan, Ryba, Plouff, Cullen, J. Lehman, Townsend, Bock, Miller, Olsen, Balow, Berceau, Jeskewitz, Richards, Gronemus, Boyle, Krawczyk, Freese, Sykora, D. Meyer, Wasserman, Turner and Young.

To committee on **Rules**.

**Senate Bill 176**

Relating to: the Wisconsin School for the Deaf and creating a deaf and hard-of-hearing education council.

By Senators Grobschmidt, Plache, Rosenzweig, Burke and Schultz; cosponsored by Representatives Olsen, Huber, Pocan, Plale, La Fave, Kestell, Wade, M. Lehman, Wood, Gunderson, Lippert, Sykora, Albers, J. Lehman, Townsend, Petrowski, Gronemus, Ott, Powers and McCormick.

To committee on **Rules**.

**Senate Bill 179**

Relating to: requiring crossing gates on school buses, granting rule-making authority, and providing a penalty.

By Senators Grobschmidt, Plache, Burke, Risser and Shibilski; cosponsored by Representatives Plale, Urban, Sinicki, Turner, Ryba, Ott, Morris-Tatum and Wasserman.

To committee on **Education**.

**Senate Bill 227**

Relating to: qualifications for endorsements authorizing the operation of a school bus.

By Senators Breske, Burke, Roessler and Darling; cosponsored by Representatives Olsen, Ryba, Ladwig, Musser, Ainsworth, Turner, Krawczyk, Jeskewitz, Lassa, Vrakas, Nass, Urban and Pettis.

To committee on **Transportation**.

**Senate Bill 229**

Relating to: qualifications for an endorsement authorizing a person to operate a school bus.

By Senators Breske, Burke, Schultz and Roessler; cosponsored by Representatives Olsen, Ryba, Musser, Turner, Krawczyk, Lassa, Vrakas, Hahn, Nass and Urban.

To committee on **Transportation**.

**Senate Bill 288**

Relating to: administration of student financial aid programs by the higher educational aids board and granting rule-making authority (suggested as remedial legislation by the higher educational aids board).

By Law Revision Committee.

To committee on **Colleges and Universities**.

**Senate Bill 339**

Relating to: exclusive contracts for the sale of soft drinks in schools.

By Senators Hansen, Wirch, Baumgart, Burke, Schultz and Roessler; cosponsored by Representatives Plouff, Ott,

Starzyk, Krug, Lassa, Turner, Skindrud, Ryba, Hahn, Musser, Urban, Albers, Huber, Sykora, Hines, Berceau, McCormick and Schooff.

To committee on **Rules**.

**Senate Bill 340**

Relating to: veterinary postgraduate training permits.

By Senators Hansen, Risser, Burke, Darling and Rosenzweig; cosponsored by Representatives Ott, Foti, Musser, Ryba, Sykora, Lippert, Plouff, Owens, Petrowski, Gunderson and Vrakas, by request of Department of Regulation and Licensing, Veterinary Examining Board, and the University of Wisconsin-Madison School of Veterinary Medicine.

To committee on **Rules**.

**Senate Bill 356**

Relating to: the disclosure of information about licensed nurses to the coordinated licensure information system.

By Senators Robson, Erpenbach and Roessler; cosponsored by Representatives Johnsrud, La Fave, J. Lehman, Miller, Ott, Plouff, Pocan and Turner.

To committee on **Labor and Workforce Development**.

**Senate Bill 364**

Relating to: proclaiming Purple Heart Day.

By Senators Moen, Schultz, Breske, Rosenzweig, Erpenbach, Moore, Burke, Darling, Cowles, Grobschmidt, S. Fitzgerald, Roessler and Hansen; cosponsored by Representatives Musser, Gronemus, Kestell, Plouff, Nass, Sherman, Jeskewitz, Bock, Ladwig, Ryba, Boyle, Huber, Carpenter, Starzyk, Turner, Albers, Lassa, D. Meyer, Kreibich, Urban, Gundrum, Hahn, Hundertmark, Rhoades, Freese, Krawczyk, Coggs, Pettis, Miller, Vrakas, Steinbrink and Sykora, by request of Department of Wisconsin Military Order of the Purple Heart.

To committee on **Rules**.

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**SPEAKER'S APPOINTMENTS**

January 29, 2002

The Honorable John Scocos  
Assembly Chief Clerk  
[John.Scocos@legis.state.wi.us](mailto:John.Scocos@legis.state.wi.us)

Dear Chief Clerk:

As Assembly Speaker, I have appointed Representative Hoven to temporarily replace Representative Albers on the Joint Committee on Finance. This appointment is effective for the day of January 29, 2002.

If you have any questions, please contact Adam Peer in my office.

Sincerely,  
*SCOTT R. JENSEN*  
Assembly Speaker

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## SPEAKER'S COMMUNICATIONS

January 31, 2002

Representative Hahn, Co-Chairperson  
Joint Survey Committee on Tax Exemptions  
State Capitol, Room 15 West

Senator Decker, Co-Chairperson  
Joint Survey Committee on Tax Exemptions  
State Capitol, Room 323 South

Dear Representative Hahn and Senator Decker:

Pursuant to Assembly Rule 42(1)(am) and section 13.52(6), Wisconsin Statutes, the co-chairpersons of the Joint Survey Committee on Tax Exemptions shall prepare and submit a report in writing setting forth an opinion on the desirability of **Assembly Bill 767**, relating to the income and franchise tax credit for sales tax and use tax paid on fuel and electricity consumed in manufacturing and **Assembly Bill 768**, relating to references to the Internal Revenue Code for income and franchise tax purposes, as a matter of public policy.

Sincerely,  
*SCOTT R. JENSEN*  
Assembly Speaker

January 31, 2002

John A. Scocos  
Assembly Chief Clerk  
1 East Main Street, Suite 402  
P.O. Box 8952  
Madison, Wisconsin 53708

Dear Mr. Scocos:

On January 31, 2002, **Assembly Bill 768** regarding references to the Internal Revenue Code for income and franchise tax purposes was referred to the joint committee on Finance. Pursuant to Assembly Rule 42 (3)(c), I hereby withdraw **Assembly Bill 768** from the joint committee on Finance and re-refer that bill to the Assembly Committee on Ways and Means.

Representative Gard has been notified of this re-referral and approves.

Sincerely,  
*SCOTT R. JENSEN*  
Assembly Speaker

## REFERRAL OF AGENCY REPORTS

State of Wisconsin  
Department of Health and Family Services  
Madison

January 25, 2002

To the Honorable, the Assembly:

Under cover of this letter, I am transmitting a copy of a report to the Legislature. Per Section 980.12(2), Wisconsin Statutes, the Department of Health and Family Services is required to submit this report on Chapter 980 supervised release orders and antiandrogens, prior to February 1, 2002.

Thank you for facilitating the distribution of this report to interested legislators.

Sincerely,  
*PHYLLIS J. DUBE*  
Secretary

Referred to committee on **Criminal Justice**.

## LEAVES OF ABSENCE

Representative Vrakas asked unanimous consent for a leave of absence for part of today's session for Representative Nass. Granted.

Representative Bock asked unanimous consent for a leave of absence for part of today's session for Representative Riley. Granted.

Representative Vrakas asked unanimous consent that the Assembly stand recessed.

Representative Gronemus objected.

Representative Foti moved that the Assembly stand recessed.

The question was: Shall the Assembly stand recessed?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Balow, Berceau, Black, Bock, Boyle, Carpenter, Coggs, Colon, Cullen, Duff, J. Fitzgerald, Foti, Freese, Gard, Grothman, Gunderson, Gundrum, Hahn, Hebl, Hines, Hoven, Huber, Hubler, Huebsch, Hundertmark, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kestell, Kreibich, Kreuser, Krug, Krusick, La Fave, Ladwig, Lassa, J. Lehman, M. Lehman, Leibham, Lippert, Loeffelholz, D. Meyer, Meyerhofer, Miller, Musser, Olsen, Ott, Owens, Petrowski, Plale, Plouff, Pocan, Powers, Reynolds, Richards, Schneider, Seratti, Sherman, Shilling, Sinicki, Skindrud, Starzyk, Staskunas, Steinbrink, Stone, Suder, Sykora, Townsend, Travis, Turner, Underheim, Urban, Vrakas, Walker, Ward, Wieckert, Wood, Young, Ziegelbauer and Speaker Jensen – 83.

Noes – Representatives Bies, Friske, Gronemus, Krawczyk, F. Lasee, McCormick, Morris–Tatum, Pettis, Rhoades, Ryba, Schooff and Wasserman – 12.

Absent or not voting – Representatives Montgomery, Nass, Riley and Williams – 4.

Motion carried.

The Assembly stood recessed.

9:50 A.M.

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## RECESS

11:35 A.M.

The Assembly reconvened.

Speaker Pro Tempore Freese in the chair.

Representative Nass asked unanimous consent that his leave of absence be lifted. Granted.

Representative Riley asked unanimous consent that his leave of absence be lifted. Granted.

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## LEAVES OF ABSENCE

Representative Vrakas asked unanimous consent for a leave of absence for part of today's session for Representative Kreibich. Granted.

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## CALENDAR OF THURSDAY, JANUARY 31

### Assembly Joint Resolution 2

Relating to: the vote on bills that would increase certain tax rates (first consideration).

Representative Jensen asked unanimous consent that **Assembly Joint Resolution 2** be placed at the foot of today's calendar. Granted.

Representative Black introduced a resolution.

Speaker Pro Tempore Freese took under advisement whether the resolution was privileged.

Representative Black withdrew his resolution.

### Assembly Bill 119

Relating to: authorizing a county to make payments in lieu of taxes to local units of government for unimproved lands.

The question was: Shall Assembly amendment 1 to **Assembly Bill 119** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 119** be ordered engrossed and read a third time?

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Bill 119** be given a third reading. Granted.

The question was: **Assembly Bill 119** having been read three times, shall the bill be passed?

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Bill 119** be immediately messaged to the Senate. Granted.

### Assembly Bill 134

Relating to: the amount of the exemption from income tax withholding requirements for employees of a county fair association.

The question was: Shall **Assembly Bill 134** be ordered engrossed and read a third time?

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Bill 134** be given a third reading. Granted.

The question was: **Assembly Bill 134** having been read three times, shall the bill be passed?

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Bill 134** be immediately messaged to the Senate. Granted.

### Assembly Bill 493

Relating to: review of state agency performance and operations.

Representative Rhoades asked unanimous consent to be made a coauthor of **Assembly Bill 493**. Granted.

The question was: Shall **Assembly Bill 493** be ordered engrossed and read a third time?

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Bill 493** be given a third reading. Granted.

The question was: **Assembly Bill 493** having been read three times, shall the bill be passed?

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Bill 493** be immediately messaged to the Senate. Granted.

### Assembly Bill 664

Relating to: the eligibility for expenditure restraint shared revenue payments.

Assembly amendment 2 to **Assembly Bill 664** offered by Representatives Schooff, Hebl, Shilling, Carpenter, Miller, Bock, J. Lehman, Staskunas, Plouff, Riley, Krug, Ryba, Berceau, Steinbrink, Cullen, Turner, Sherman, Richards, Kreuser and Huber.

Representative Ladwig asked unanimous consent that **Assembly Bill 664** be re-referred to the committee on **State and Local Finance (Select)**. Granted.

**Assembly Bill 412**

Relating to: petition requirements for the creation of a town sanitary district.

The question was: Shall **Assembly Bill 412** be ordered engrossed and read a third time?

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Bill 412** be given a third reading. Granted.

The question was: **Assembly Bill 412** having been read three times, shall the bill be passed?

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Bill 412** be immediately messaged to the Senate. Granted.

Representative Foti asked unanimous consent that the Assembly stand informal.

The Assembly stood informal.

12:10 P.M.

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**INFORMAL**

1:43 P.M.

The Assembly reconvened.

Speaker Pro Tempore Freese in the chair.

Representative Foti asked unanimous consent for a quorum call. Granted.

A quorum was present.

Representative Travis introduced a privileged resolution.

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**INTRODUCTION AND REFERENCE  
OF PROPOSALS**

**Assembly Resolution 49**

Relating to: prohibiting the payment by the assembly of legal fees for any legal work related to preparation of a request or for presentation or defense of a request for prior restraint of the media.

By Representatives Travis and Black.

Representative Black asked unanimous consent that all members of the Assembly be made coauthors of **Assembly Resolution 49**. Granted.

The question was: Shall **Assembly Resolution 49** be adopted?

Motion carried.

**Assembly Joint Resolution 2**

Relating to: the vote on bills that would increase certain tax rates (first consideration).

Assembly amendment 2 to **Assembly Joint Resolution 2** offered by Representatives Cullen, Ziegelbauer and Carpenter.

Assembly substitute amendment 1 to **Assembly Joint Resolution 2** offered by Representative Suder.

Assembly amendment 1 to Assembly substitute amendment 1 to **Assembly Joint Resolution 2** offered by Representatives Cullen, Ziegelbauer and Carpenter.

Representative Carpenter moved that the Assembly stand adjourned.

The question was: Shall the Assembly stand adjourned?

The roll was taken.

The result follows:

Ayes – Representatives Balow, Berceau, Black, Bock, Boyle, Carpenter, Coggs, Colon, Cullen, Gronemus, Hebl, Huber, Hubler, Kreuser, Krug, La Fave, Lassa, J. Lehman, Meyerhofer, Miller, Morris–Tatum, Plale, Plouff, Pocan, Richards, Ryba, Schneider, Schooff, Sherman, Shilling, Sinicki, Staskunas, Travis, Turner, Wasserman, Wood and Young – 37.

Noes – Representatives Ainsworth, Albers, Bies, Duff, J. Fitzgerald, Foti, Freese, Friske, Gard, Grothman, Gunderson, Gundrum, Hahn, Hines, Hoven, Huebsch, Hundertmark, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kestell, Krawczyk, Krusick, Ladwig, F. Lasee, M. Lehman, Leibham, Lippert, Loeffelholz, McCormick, D. Meyer, Musser, Nass, Olsen, Ott, Owens, Petrowski, Pettis, Powers, Reynolds, Rhoades, Riley, Seratti, Skindrud, Starzyk, Steinbrink, Stone, Suder, Sykora, Townsend, Underheim, Urban, Vrakas, Walker, Ward, Wieckert, Ziegelbauer and Speaker Jensen – 59.

Absent or not voting – Representatives Kreibich, Montgomery and Williams – 3 .

Motion failed.

Representative Jensen asked unanimous consent that the Assembly stand recessed.

Representative Carpenter objected.

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**POINT OF ORDER**

Representative Jensen raised a point of order that Assembly amendment 1 to Assembly substitute amendment 1 to **Assembly Joint Resolution 2** was not germane under Assembly Rule 54.

Speaker Pro Tempore Freese took that point of order under advisement.

The Assembly stood informal.

2:10 P.M.

## INFORMAL

3:00 P.M.

The Assembly reconvened.

Speaker Pro Tempore Freese in the chair.

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## LEAVES OF ABSENCE

Representative Bock asked unanimous consent for a leave of absence for part of today's session for Representative Sherman. Granted.

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## RULING ON THE POINT OF ORDER

Speaker Pro Tempore Freese ruled **well taken** the point of order raised by Representative Jensen that Assembly amendment 1 to Assembly substitute amendment 1 to **Assembly Joint Resolution 2** was not germane under Assembly Rule 54.

Representative Cullen appealed the ruling of the Chair.

The question was: Shall the ruling of the Chair stand as the ruling of the Assembly?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Bies, Duff, J. Fitzgerald, Foti, Freese, Friske, Gard, Grothman, Gunderson, Gundrum, Hahn, Hines, Hoven, Huebsch, Hundertmark, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kestell, Krawczyk, Ladwig, F. Lasee, M. Lehman, Leibham, Lippert, Loeffelholz, McCormick, D. Meyer, Musser, Nass, Olsen, Ott, Owens, Petrowski, Pettis, Powers, Rhoades, Schneider, Seratti, Skindrud, Starzyk, Stone, Suder, Sykora, Townsend, Underheim, Urban, Vrakas, Walker, Ward, Wieckert and Speaker Jensen – 55.

Noes – Representatives Balow, Berceau, Black, Bock, Boyle, Carpenter, Coggs, Colon, Cullen, Gronemus, Hebl, Huber, Hubler, Kreuser, Krug, Krusick, La Fave, Lassa, J. Lehman, Meyerhofer, Miller, Morris–Tatum, Plale, Plouff, Pocan, Reynolds, Richards, Riley, Ryba, Schooff, Shilling, Sinicki, Staskunas, Steinbrink, Travis, Turner, Wasserman, Wood, Young and Ziegelbauer – 40.

Absent or not voting – Representatives Kreibich, Montgomery, Sherman and Williams – 4.

Motion carried.

Assembly amendment 2 to Assembly substitute amendment 1 to **Assembly Joint Resolution 2** offered by Representative Richards.

Representative Jensen moved that Assembly amendment 2 to Assembly substitute amendment 1 to **Assembly Joint Resolution 2** be laid on the table.

The question was: Shall Assembly amendment 2 to Assembly substitute amendment 1 to **Assembly Joint Resolution 2** be laid on the table?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Bies, Duff, J. Fitzgerald, Foti, Freese, Friske, Gard, Gronemus, Grothman, Gunderson, Gundrum, Hahn, Hines, Hoven, Huebsch, Hundertmark, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kestell, Krawczyk, Ladwig, F. Lasee, M. Lehman, Leibham, Lippert, Loeffelholz, McCormick, D. Meyer, Musser, Nass, Olsen, Ott, Owens, Petrowski, Pettis, Powers, Rhoades, Seratti, Skindrud, Starzyk, Stone, Suder, Sykora, Townsend, Underheim, Urban, Vrakas, Walker, Ward, Wieckert, Ziegelbauer and Speaker Jensen – 56.

Noes – Representatives Balow, Berceau, Black, Bock, Boyle, Carpenter, Coggs, Colon, Cullen, Hebl, Huber, Hubler, Kreuser, Krug, Krusick, La Fave, Lassa, J. Lehman, Meyerhofer, Miller, Morris–Tatum, Plale, Plouff, Pocan, Reynolds, Richards, Riley, Ryba, Schneider, Schooff, Shilling, Sinicki, Staskunas, Steinbrink, Travis, Turner, Wasserman, Wood and Young – 39.

Absent or not voting – Representatives Kreibich, Montgomery, Sherman and Williams – 4.

Motion carried.

Assembly amendment 3 to Assembly substitute amendment 1 to **Assembly Joint Resolution 2** offered by Representative Richards.

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## POINT OF ORDER

Representative Jensen raised a point of order that Assembly amendment 3 to Assembly substitute amendment 1 to **Assembly Joint Resolution 2** was not germane under Assembly Rule 54.

Speaker Pro Tempore Freese ruled the point of order **well taken**.

Representative Richards appealed the ruling of the Chair.

The question was: Shall the ruling of the Chair stand as the ruling of the Assembly?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Bies, Duff, J. Fitzgerald, Foti, Freese, Friske, Gard, Grothman, Gunderson, Gundrum, Hahn, Hines, Hoven, Huebsch, Hundertmark, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kestell, Krawczyk, Ladwig, F. Lasee, M. Lehman, Leibham, Lippert, Loeffelholz, McCormick, D. Meyer, Musser, Nass, Olsen, Ott, Owens, Petrowski, Pettis, Powers, Rhoades, Seratti, Skindrud, Starzyk, Stone, Suder, Sykora, Townsend, Underheim, Urban, Vrakas, Walker, Ward, Wieckert, Ziegelbauer and Speaker Jensen – 55.

Noes – Representatives Balow, Berceau, Black, Bock, Boyle, Carpenter, Coggs, Colon, Cullen, Gronemus, Hebl,

Huber, Hubler, Kreuser, Krug, Krusick, La Fave, Lassa, J. Lehman, Meyerhofer, Miller, Morris–Tatum, Plale, Plouff, Pocan, Reynolds, Richards, Riley, Ryba, Schneider, Schooff, Shilling, Sinicki, Staskunas, Steinbrink, Travis, Turner, Wasserman, Wood and Young – 40.

Absent or not voting – Representatives Kreibich, Montgomery, Sherman and Williams – 4.

Motion carried.

Representative Black moved that Assembly amendment 2 to Assembly substitute amendment 1 to **Assembly Joint Resolution 2** be taken from the table and taken up at this time.

The question was: Shall Assembly amendment 2 to Assembly substitute amendment 1 to **Assembly Joint Resolution 2** be taken from the table and taken up at this time?

The roll was taken.

The result follows:

Ayes – Representatives Balow, Berceau, Black, Bock, Boyle, Carpenter, Coggs, Colon, Cullen, Gronemus, Hebl, Huber, Hubler, Kreuser, Krug, Krusick, La Fave, Lassa, J. Lehman, Meyerhofer, Miller, Morris–Tatum, Plale, Plouff, Pocan, Reynolds, Richards, Riley, Ryba, Schneider, Schooff, Shilling, Sinicki, Staskunas, Steinbrink, Travis, Turner, Wasserman, Wood, Young and Ziegelbauer – 41.

Noes – Representatives Ainsworth, Albers, Bies, Duff, J. Fitzgerald, Foti, Freese, Friske, Gard, Grothman, Gunderson, Gundrum, Hahn, Hines, Hoven, Huebsch, Hundertmark, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kestell, Krawczyk, Ladwig, F. Lasee, M. Lehman, Leibham, Lippert, Loeffelholz, McCormick, D. Meyer, Musser, Nass, Olsen, Ott, Owens, Petrowski, Pettis, Powers, Rhoades, Seratti, Skindrud, Starzyk, Stone, Suder, Sykora, Townsend, Underheim, Urban, Vrakas, Walker, Ward, Wieckert and Speaker Jensen – 54.

Absent or not voting – Representatives Kreibich, Montgomery, Sherman and Williams – 4.

Motion failed.

The question was: Shall Assembly substitute amendment 1 to **Assembly Joint Resolution 2** be adopted?

Motion carried.

The question was: Shall **Assembly Joint Resolution 2** be ordered engrossed and read a third time?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 2** be given a third reading. Granted.

Representative Schneider asked unanimous consent that the rules be suspended and that the vote for adoption of **Assembly Joint Resolution 2** require two-thirds in order to prevail.

Representative Suder objected.

The question was: Shall **Assembly Joint Resolution 2** be adopted?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Balow, Bies, Duff, J. Fitzgerald, Foti, Freese, Friske, Gard, Gronemus, Grothman, Gunderson, Gundrum, Hahn, Hines, Hoven, Hubler, Huebsch, Hundertmark, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kestell, Krawczyk, Krusick, La Fave, Ladwig, F. Lasee, Lassa, Leibham, Lippert, Loeffelholz, McCormick, D. Meyer, Musser, Nass, Olsen, Owens, Petrowski, Pettis, Plale, Powers, Reynolds, Rhoades, Ryba, Schooff, Seratti, Shilling, Skindrud, Starzyk, Staskunas, Steinbrink, Stone, Suder, Sykora, Townsend, Underheim, Vrakas, Walker, Ward, Wasserman, Wieckert, Ziegelbauer and Speaker Jensen – 66.

Noes – Representatives Berceau, Black, Bock, Boyle, Carpenter, Coggs, Colon, Cullen, Huber, Kreuser, Krug, J. Lehman, M. Lehman, Meyerhofer, Miller, Morris–Tatum, Ott, Plouff, Pocan, Richards, Riley, Schneider, Sinicki, Travis, Turner, Urban, Wood and Young – 28.

Paired for – Representative Hebl – 1.

Paired against – Representative Sherman – 1.

Absent or not voting – Representatives Kreibich, Montgomery and Williams – 3.

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 2** be immediately messaged to the Senate. Granted.

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## MOTIONS

Representatives Bock, Krug, Balow, Shilling, Ryba and Plouff asked unanimous consent to be recorded as voting “No” on passage of **Assembly Bill 642**, from Tuesday, January 29. Granted.

Representative Petrowski asked unanimous consent to be made a coauthor of **Assembly Bill 414**. Granted.

Representative Petrowski asked unanimous consent to be made a coauthor of **Assembly Bill 704**. Granted.

Representative Leibham asked unanimous consent to be made a coauthor of **Assembly Bill 633**. Granted.

Representative Gunderson asked unanimous consent to be removed as a coauthor of **Senate Bill 379**. Granted.

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## ANNOUNCEMENTS

Representative Leibham asked unanimous consent that the Assembly adjourn in honor of Bradley John Peterson who is an intern in his office. Granted.

Representative Petrowski asked unanimous consent that the Assembly adjourn in honor of Shane Schmidt, son of Ken

and Diane Schmidt, who was one of the first Marines deployed into Afghanistan, and that our soldiers know they are in our thoughts and in our prayers. Granted.

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### REFERENCE BUREAU CORRECTIONS

In enrolling, the following correction was made:

#### Assembly Joint Resolution 72

1. Page 3, line 16: after “observed” insert “as”.

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In enrolling, the following corrections were made:

#### Assembly Joint Resolution 77

1. Page 2, line 9: delete “the serve” and substitute “serve”.
2. Page 2, line 10: delete “highway project” and substitute “transportation projects”.
3. Page 2, line 15: delete “assembly assembly” and substitute “assembly, the”.
4. Page 2, line 17: delete “Conradt” and substitute “Conradt”.

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### Assembly Joint Resolution 87

1. Page 1, line 14: delete “Academy’s” and substitute “academy’s”.

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### ADJOURNMENT

Representative Foti moved that the Assembly stand adjourned until 10:00 A.M. on Tuesday, February 5.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

4:15 P.M.